

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Qualcomm Incorporated Petition for)	WT Docket No. 05-07
Declaratory Ruling)	

To: The Commission

March 10, 2005

COMMENTS OF HARBOR WIRELESS, L.L.C.

Harbor Wireless, L.L.C. ("Harbor") hereby submits its Comments on Qualcomm's Petition for Declaratory Ruling (WT Docket No. 05-07). Harbor respectfully requests that the Commission act quickly to establish the clarified and streamlined review process outlined in Qualcomm's filing. Harbor further requests that the Commission's decision on this matter be applied equally to all 700 MHz licenses in order to facilitate the deployment of new and innovative services across the entire 700 MHz band.

Harbor was formed in the year 2000 to develop wireless services and systems in the 700 MHz band. The principals of Harbor are experienced communications entrepreneurs with an established record of constructing and operating broadband wireless networks. Harbor participated in FCC Auction No. 44 and acquired 14 Lower Band 700 MHz licenses in a variety of

markets across the U.S. Harbor, in cooperation with other holders of 700 MHz spectrum, now is working to develop new services utilizing this spectrum.

In working with other licensees and potential vendors, Harbor has found that uncertainty surrounding the DTV transition along with constraints on interim operations rising from various interpretations of section 27.60 has caused serious impediments to the delivery of new services in this band. Manufacturers have been slow to devote the necessary resources to the development of state-of-the-art 700 MHz products due in large part to uncertainty regarding the interference rules and the overall transition framework.

Despite these constraints, licensees in both Lower 700 MHz and Upper 700 MHz guard band are investigating applications for the spectrum and some have already deployed systems. Qualcomm in particular has announced plans to deploy a next generation ‘mediacasting’ system that can potentially offer new services to 170 million mobile phone in the United States.

The combination of requests made in Qualcomm’s filing—accepting OET-69 engineering methodology for compliance with Section 27.60, applying a *de minimus* standard for predicted interference, and establishing a streamlined processing procedure for OET-69 showings—appears sensible given these approaches are already accepted and in use by the broadcast community that Section 27.60 is meant to protect. A clarified, streamlined

approach that is understood clearly by all parties would benefit both broadcasters and 700 MHz licensees. Moreover, this approach would facilitate the ability of 700 MHz licensees to begin to deploy new services prior to the end of the DTV transition. The potential public benefits to these deployments are tremendous relative to the minimal and temporary effects on a limited number of TV incumbents.

Harbor requests that the Commission take actions in these proceedings consistent with these comments.

Respectfully submitted,

HARBOR WIRELESS, L.L.C.

By:

John E. Mason
Vice President
Harbor Wireless, L.L.C.
1199 Howard Avenue, Suite 325
Burlingame, CA 94010
(650) 347-6885